

#### § 1620.37

make-up payments may be made; however, this ceiling may not be less than two times the number of pay periods in which the payments could have been made. The payment schedule must begin no later than the pay period following the date of the agreed-upon schedule and it may not contain more than four times the number of pay periods in which the payments could have been made.

(b) If the agreed-upon payment schedule cannot be met because the employee has insufficient net pay or because the employee has reached an annual ceiling for tax-deferred contributions under 26 U.S.C. 402(g) or 415, the payment schedule will be suspended until the employee is again able to make full payments through payroll deductions. Pay periods that are prescribed in the payment schedule, and for which an employee is unable to make payments because of insufficient net pay or a ceiling on tax-deferred contributions, will not be counted against the maximum number of pay periods applicable to the schedule and the maximum number of applicable pay periods must be extended accordingly. Employees may not make partial payments under a payment schedule.

(c) If an employee chooses to contribute the make-up amount, he or she may terminate that decision and that termination shall be irrevocable. If an employee separates from employment in such a way as to become ineligible to participate in the Thrift Savings Plan, the employee may terminate the retroactive contribution or accelerate the contribution by lump sum payment from the final salary payment (not including any lump sum annual leave payment). If the employee dies, the retroactive contribution of the deceased employee will be terminated as of the final salary payment.

(d) The retroactive payment amount is not subject to the maximum pay period contribution limitations; however, these amounts must be included when determining amounts subject to annual ceilings on contributions under 26 U.S.C. 402(g) or 415.

(e) In the event an employee does not have sufficient net pay to make all of the Thrift Savings Plan deductions, the

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employee's regular Thrift Savings Plan deduction shall take precedence over the employee's payment schedule contribution.

#### **§ 1620.37 Make-up contributions by employing authority.**

Make-up contributions by the employing authority are not subject to the limitations on maximum pay period contributions; however, these amounts must be included when determining amounts subject to any applicable annual ceiling described in 26 U.S.C. 415.

#### **§ 1620.38 Payment to the record-keeper.**

The employing authority is responsible for transmitting employer and employee contributions to the employee's Federal agency of record. Employee contributions will be deducted from the employee's actual pay. The employee's agency of record is responsible for transmitting the employer and employee contributions to the Board's Recordkeeper. The employee's election form (TSP-1) will be filed in the employee's official personnel folder.

#### **§ 1620.39 Notices.**

(a) Federal agencies who are employers of record of any individuals covered by § 1620.30 of this part must notify employing authorities and affected employees of the application of these regulations no later than 30 days from their publication date.

(b) Each employing authority must notify the Board no later than 60 days from the publication date of these regulations that it employs individuals covered by § 1620.30 of this part. Entities which become employing authorities after the publication date of these regulations must provide the Board with this notice within 60 days of employing an individual covered by § 1620.30 of this part.

#### **§ 1620.40 Other regulations.**

Employing authorities and individuals covered by § 1620.30 of this part are governed by the regulations in chapter

VI, title 5, Code of Federal Regulations, to the extent that those regulations are not inconsistent with this subpart.

### **Subpart D—Certain Civil Service Retirement System Employees**

SOURCE: 53 FR 10041, Mar. 28, 1988, unless otherwise noted.

#### **§ 1620.50 Scope.**

This subpart applies to any individual who is participating in the Civil Service Retirement System as a result of a provision of law described in section 8347(o) of title 5, United States Code.

#### **§ 1620.51 Definitions.**

As used in this subpart the terms—

(a) *Employing authority* means that organization that employs an individual covered by § 1620.50 of this part and which has authority to make personnel compensation decisions for such employees; and

(b) *Participating* means paying contributions to the basic annuity under the Civil Service Retirement System.

#### **§ 1620.52 Deadline for employing authority to begin employee contributions; notice to Board.**

An employing authority must begin making contributions from an employee covered by § 1620.50 of this part no later than the pay period following its acceptance of the employee's election form. These contributions must be made to the Board's Recordkeeper. The employing authority must notify the Board no later than 60 days from the publication date of these regulations that it employs individuals covered by § 1620.50 of this part.

#### **§ 1620.53 Initial election period for employees.**

Employees who are covered by § 1620.50 of this part must be permitted to file an election form with the employing authority identifying the amount, if any, of their contribution to the Thrift Savings Plan at any time before the expiration of 60 days after the publication date of this subpart. Any employee who was eligible to participate in a prior election period, but was

denied the opportunity to do so, must be given the opportunity to make any election which he or she could have otherwise made in 1987 or 1988.

#### **§ 1620.54 Retroactive employee contributions.**

Employees participating in the Civil Service Retirement System shall be allowed to make, on a retroactive basis, all employee contributions for eligible periods of service with the employing authority unless these employees have already had the opportunity to make contributions to the Thrift Savings Plan for these periods of service. Retroactive employee contributions shall be made in accordance with the procedures described in § 1620.36 of this part.

#### **§ 1620.55 Computing percentage of basic pay.**

When the employing authority computes a percentage of basic pay to determine the amount to be contributed to the Thrift Savings Fund, the rate of basic pay to be used must be the same as that used in computing any amount that the individual involved is otherwise required to contribute to the Civil Service Retirement and Disability Fund as a condition for participating in the Civil Service Retirement System.

#### **§ 1620.56 Payment to the recordkeeper.**

Employing authorities will make applicable employee contributions (deducted from the employee's actual pay) to the Board's Recordkeeper. At this time, the Recordkeeper is the National Finance Center, Department of Agriculture, New Orleans, Louisiana.

#### **§ 1620.57 Other regulations.**

Employing authorities and individuals covered by § 1620.50 of this part are governed by the regulations in chapter VI, title 5, Code of Federal Regulations, to the extent that those regulations are not inconsistent with this subpart.

### **Subpart E—Bankruptcy Judges and Magistrates**

SOURCE: 54 FR 32786, Aug. 10, 1989, unless otherwise noted.